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There Should Be No License for Slander

The Sunday Gazette's story of Juri Raus and Eerik Heine was truth vicing with fiction for suspense and intrigue. But it contained something more significant than the claims of Estonian Heine that he had been slandered by Raus.

That is the fact that the Central Intelligence Agency, about which we hear so many stories and few facts, is trying to deny any means of redress to a man whose reputation may have been assassinated by one of its agents.

The CIA says agent Raus was acting under instructions when he accused Heine of being a member of the Soviet Secret Police. But neither the agency nor Mr. Raus defends the accusation as truthful. They simply say that because Raus was a CIA man his actions were privileged and Heine has no grounds for a lawsuit.

The law, as presently interpreted, probably is on the CIA's side. In a 5-to-4 decision in 1959 the Supreme Court decided that two officials of the Office of Rent Stabilization had absolute privilege against a suit for libel because of a press release they issued.

However, Chief Justice Earl Warren, writing for the dissent, said something strangely prophetic. He said the decision could have the "effect of deterring the desirable public discussion of all aspects of our government and the conduct of its officials. It will sanctify the powerful and silence debate. This is a much more serious danger than the possibility that a government official might occasionally be called upon to defend his actions and to respond in damages for a malicious defamation."

We can't even guess whether Raus' claims against Heine are true.

But we know that it's intolerable that government officials should hold an unlimited license for slander. The CIA may be right that security of our country is involved. If that's the case, and the CIA can't prove its case without violating security, then Heine should have the right to claim damages.

And we also know that the U.S. has other interests than its security. Among them are an interest in justice for all and in the integrity of its courts. Both of those interests are being violated in the present situation.